

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

BRUCE ALBERT KIRK,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO.4:06-CV-236-Y
	§	
DOUGLAS DRETKE, <sup>1</sup> Director,	§	
T.D.C.J., Correctional	§	
Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS  
(With special instructions to the clerk of Court)

In this action brought by petitioner Bruce Albert Kirk under 28 U.S.C. § 2254,<sup>2</sup> the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 11, 2006; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 25, 2006.

The Court, after de novo review, concludes that Petitioner's objections must be overruled, that the motion to dismiss should be granted, and that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

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<sup>1</sup>Respondent's motion to dismiss Charles Carver and substitute Douglas Dretke [docket no. 7] is GRANTED, such that the clerk of Court should show on the docket that Carver is no longer a respondent.


<sup>2</sup>Kirk's form petition under 28 U.S.C. § 2254, originally filed in the Eastern District of Texas, asserted challenges to a 2004 conviction for failure to comply with sex-offender registration requirements in cause number 91575, imposed as a result of April 1988 convictions for indecency with a child (cause numbers 9870 and 9871) and sexual assault (cause number 9872 and 9873) in the 43<sup>rd</sup> Judicial District Court of Parker County, Texas. In a pleading construed as an informal amendment, Kirk raised additional challenges directly to his convictions in cause numbers 9870, 9871, 9872, and 9873. Kirk's challenges to these convictions were severed and transferred to this Court, and are before the Court in the above styled and numbered action.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

The motion to dismiss for lack of jurisdiction [docket no. 14] is GRANTED to the extent this action must be dismissed as filed without the authorization of the court of appeals.

Petitioner Bruce Albert Kirk's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE to his right to file a motion in the United States Court of Appeals for the Fifth Circuit for leave to file a successive petition.

SIGNED May 26, 2006.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE